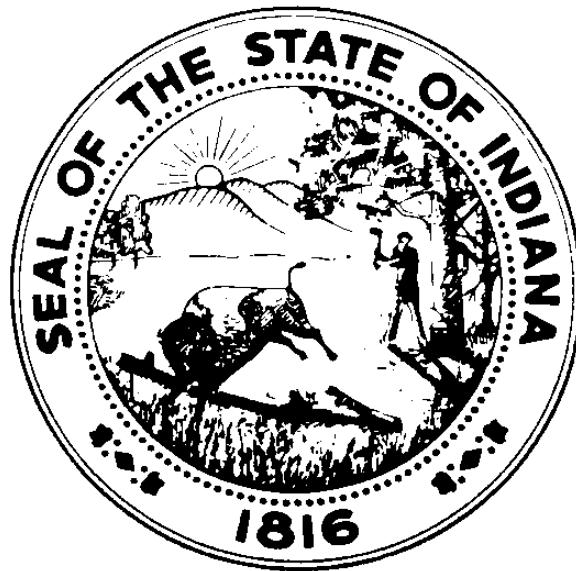


MANUFACTURED HOME INSTALLER LICENSING BOARD

Indiana Statutes and Administrative Code

**2006
Edition**



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If you notice any errors or omissions in this or any other rulebook published by the Indiana Professional Licensing Agency, please write to Board Director, 402 West Washington Street, Room W072, and Indianapolis, IN 46204-2700. Your help improving these rulebooks is greatly appreciated.

The following statutes were amended in 2005: IC 25-23.7-2-7

The following statutes were added in 2005: IC 25-23.7-2-7.5, IC 25-23.7-2-7.6 & IC 25-23.7-8

IC 25-23.7

ARTICLE 23.7. MANUFACTURED HOME INSTALLERS

IC 25-23.7-1

CHAPTER 1. APPLICATION OF ARTICLE

Sec. 1. This article applies to a person who installs manufactured homes for occupancy as single family dwellings.

As added by P.L.162-2002, SEC.7. Amended by P.L.87-2005, SEC.32.

IC 25-23.7-2

CHAPTER 2. DEFINITIONS

IC 25-23.7-2-1 Applicability of definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-2-2 "Board"

Sec. 2. "Board" refers to the manufactured home installer licensing board established by IC 25-23.7-3-1.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-2-3 "Installation" or "install"

Sec. 3. "Installation" or "install" means any of the following:

- (1) The construction, whether temporary or permanent, of a structural support system for a manufactured home.
- (2) The placement or erection of a manufactured home or manufactured home components on a structural support system.
- (3) Supporting, blocking, leveling, securing, anchoring, or adjusting any structural component of a manufactured home.
- (4) The connection of multiple or expandable sections or components of a manufactured home.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-2-4 "Installer"

Sec. 4. "Installer" means an individual who contracts to install or installs a manufactured home.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-2-5 "Licensee"

Sec. 5. "Licensee" means an individual who installs manufactured homes and is licensed under this article.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-2-6 "Licensing agency"

Sec. 6. "Licensing agency" refers to the Indiana professional licensing agency established by IC 25-1-6-3.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-2-7

"Manufactured home"

Sec. 7. "Manufactured home" means a:

- (1) dwelling meeting the definition set forth in IC 22-12-1-16; or
- (2) mobile home being installed in a mobile home community.

As added by P.L.162-2002, SEC.7. Amended by P.L.87-2005, SEC.33.

IC 25-23.7-2-7.5

"Mobile home"

Sec. 7.5. "Mobile home" has the meaning set forth in IC 16-41-27-4.

As added by P.L.87-2005, SEC.34.

IC 25-23.7-2-7.6

"Mobile home community"

Sec. 7.6. "Mobile home community" has the meaning set forth in IC 16-41-27-5.

As added by P.L.87-2005, SEC.35.

IC 25-23.7-2-8 "Secretary"

Sec. 8. "Secretary" has the meaning set forth in IC 25-1-6-5(c).

As added by P.L.162-2002, SEC.7.

IC 25-23.7-3

CHAPTER 3. MANUFACTURED HOME INSTALLER LICENSING BOARD

IC 25-23.7-3-1 Establishment of board

Sec. 1. The manufactured home installer licensing board is established.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-3-2

Members

Sec. 2. (a) The board consists of nine (9) members appointed by the governor as follows:

- (1) Four (4) members who are installers, each of whom:

(A) is licensed in Indiana as an installer; and

(B) has been actively engaged in the

installation of manufactured homes for at least five (5) years immediately before the member's appointment to the board.

(2) One (1) member who represents manufactured home manufacturers with production facilities in Indiana.

(3) One (1) member who represents manufactured home dealers.

(4) One (1) member who is an operator or who is employed by an operator of a mobile home community licensed under IC 16-41-27.

(5) One (1) member who is an owner of or who is employed by a primary inspection agency, a designation issued under 24 CFR 3282 by the United States Department of Housing and Urban Development.

(6) One (1) member who represents the general public and who is not associated with the manufactured home industry other than as a consumer.

(b) The members of the board must be residents of Indiana.

As added by P.L.162-2002, SEC.7. Amended by P.L.87-2005, SEC.36.

IC 25-23.7-3-3 Terms of members

Sec. 3. (a) Each member of the board shall serve a term of four (4) years and until the member's successor is appointed and qualified.

(b) A board member may not serve more than two (2) consecutive terms.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-3-4 Removal of member; vacancies

Sec. 4. (a) The governor may remove a board member at any time for incompetency, neglect of duty, or unprofessional conduct.

(b) A vacancy in the membership of the board shall be filled by appointment by the governor for the unexpired term.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-3-5 Board meetings; quorum; majority vote required

Sec. 5. (a) The board shall meet at least two (2) times each calendar year upon the call of the chairperson or the written request of a majority of the members of the board.

(b) The chairperson shall establish the time and place for each meeting.

(c) Five (5) members of the board constitute a quorum.

(d) Except as otherwise provided in this article, at least five (5) votes are necessary for the board to take official action.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-3-6 Salary per diem; travel expenses

Sec. 6. Each member of the board is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Each member of the board is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.
As added by P.L.162-2002, SEC.7.

IC 25-23.7-3-7 Chairperson; vice chairperson; presiding officer

Sec. 7. (a) Each year the board shall elect a member as chairperson and a member as vice chairperson.

(b) The chairperson and vice chairperson shall serve until their successor is elected.

(c) The chairperson shall preside at all meetings at which the chairperson is present. The vice chairperson shall preside at meetings in the absence of the chairperson and shall perform other duties as the chairperson directs.

(d) If the chairperson and vice chairperson are absent from a meeting of the board when a quorum exists, the members who are present may elect a presiding officer who shall serve as acting chairperson until the conclusion of the meeting or until the arrival of the chairperson or vice chairperson.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-3-8 Board duties and powers

Sec. 8. The board shall:

- (1) enforce and administer this article;
- (2) adopt rules under IC 4-22-2 for the administration and enforcement of this article, including competency standards and a code of ethics for licensed installers;
- (3) prescribe the requirements for and the form of licenses issued or renewed under this article;
- (4) issue, deny, suspend, and revoke licenses in accordance with this article;
- (5) in accordance with IC 25-1-7, investigate and prosecute complaints involving licensees or individuals the board has reason to believe should be licensees, including complaints concerning the failure to comply with this article or rules adopted under this article;
- (6) bring actions in the name of the state of Indiana in an appropriate circuit court to enforce compliance with this article or rules adopted under this article;
- (7) establish fees in accordance with IC 25-1-8;
- (8) inspect the records of a licensee in accordance with rules adopted by the board;
- (9) conduct or designate a board member or other representative to conduct public hearings on any matter for which a hearing is required under this

article and to exercise all powers granted under IC 4-21.5; and

(10) maintain the board's office, files, records, and property in the city of Indianapolis.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-4

CHAPTER 4. LICENSING AGENCY; BOARD SECRETARY

IC 25-23.7-4-1 Board secretary; secretary duties

Sec. 1. The licensing agency shall provide the board with a competent person to serve as secretary of the board. The secretary is not a member of the board. The secretary, through the licensing agency, shall:

- (1) keep a complete and accurate record of all proceedings of the board;
- (2) keep a current file of all licenses and licensees; and
- (3) perform any other duties assigned by the board.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-4-2 Licensing agency responsibilities

Sec. 2. The licensing agency shall provide the board with clerical or other assistants, including investigators, necessary for the proper performance of the board's duties.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-4-3 Money collected; expenses paid from state general fund

Sec. 3. The secretary shall receive and account for all money collected under this article and deposit the money in the state general fund with the treasurer of state. All expenses incurred in the administration of this article shall be paid from the state general fund.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-5

CHAPTER 5. LICENSING REQUIREMENTS

IC 25-23.7-5-1 Licensing requirement; political subdivision's powers; licensing exemptions

Sec. 1. (a) Except as provided in subsection (b), an individual may not install a manufactured home without first obtaining from the board a license authorizing the individual to install a manufactured home. A political subdivision may not require a licensee to submit to any other form of licensing except for that required by a political subdivision for onsite electrical, plumbing, or mechanical systems installation. However, this article does not limit the power of a political subdivision to regulate the quality and character of work performed by a licensee through

the enforcement of building codes or conducting inspections.

(b) An individual acting at all times at the direction and under the supervision of a licensed installer need not be licensed in order to install a manufactured home. A licensee is fully responsible for all installation work performed under the licensee's direction or supervision.

(c) This section does not prohibit:

- (1) a manufactured housing community owner;
- (2) a manufactured housing community manager; or
- (3) the employees of a person described in subdivision (1) or (2); from providing maintenance to an installation if that maintenance does not otherwise require a license by a political subdivision for onsite electrical, plumbing, or mechanical systems installation.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-5-2 Licensing requirements

Sec. 2. An individual who applies for a license as an installer of a manufactured home must do the following:

(1) Furnish evidence satisfactory to the board showing that the individual:

- (A) is at least eighteen (18) years of age;
- (B) has successfully completed the board approved installation training course;
- (C) has successfully completed a board approved course concerning Indiana law regarding:

- (i) the installation requirements for manufactured homes; and
- (ii) the state department of health requirements that apply to manufactured homes;

(D) has:

- (i) at least one (1) year of experience installing manufactured homes under the direction and supervision of a licensed installer; or
- (ii) three (3) references, two (2) of whom are licensed installers familiar with the individual's work experience and competency; and

(E) has not been:

- (i) convicted of an act that would constitute a ground for disciplinary action under this article; or
- (ii) the subject of a disciplinary action by the licensing or certification agency of

another state or jurisdiction in connection with the installation of manufactured homes.

- (2) Verify the information submitted on the application form.
- (3) Submit proof of insurance or a surety bond:
 - (A) issued by an insurance or a surety company authorized to transact business in Indiana;
 - (B) in an amount determined by the board; and
 - (C) with the terms and conditions established by the board.
- (4) Pay the fee established by the board.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-5-3 Application form

Sec. 3. An individual applying for a license as an installer of manufactured homes must apply on a form prescribed and provided by the board.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-5-4 License denial; remedies

Sec. 4. An individual who is denied a license under this article has the remedies prescribed under IC 4-21.5.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-6

CHAPTER 6. RENEWAL OF LICENSE

IC 25-23.7-6-1 Expiration of license

Sec. 1. Notwithstanding IC 25-1-2, a license issued under IC 25-23.7-5 expires four (4) years after it is issued, at a time and date designated by the board.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-6-2 License renewal requirements

Sec. 2. An individual who applies to renew a license as an installer of a manufactured home must:

- (1) furnish evidence showing successful completion of the continuing education requirements of this chapter; and
- (2) pay the renewal fee established by the board.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-6-3 Renewal notices; renewal fee

Sec. 3. (a) Renewal notices must be sent in accordance with IC 25-1-2-6(c).

(b) The renewal fee must be paid in accordance with IC 25-1-8-2(d).

As added by P.L.162-2002, SEC.7.

IC 25-23.7-6-4 Continuing education requirements

Sec. 4. Each licensed installer must complete the continuing education required by the board before the end of each license renewal period.

As added by P.L.162-2002, SEC.7.

IC25-23.7-6-5 Adoption of rules concerning continuing education

Sec. 5. (a) The board shall adopt rules concerning the continuing education required for the renewal of a license under this chapter.

(b) The rules must do the following:

- (1) Establish procedures for approving organizations that provide continuing education.
- (2) Establish a fee for each hour of continuing education required after a license is issued or renewed.
- (3) Prescribe the content, duration, and organization of continuing education courses that contribute to the general competence of installers.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-7

CHAPTER 7. DISCIPLINARY PROCEEDINGS; ENFORCEMENT

IC 25-23.7-7-1 Disciplinary actions

Sec. 1. The board may take disciplinary action against a licensee for any of the following violations:

- (1) Violating this article or rules adopted by the board under this article.
- (2) Making a false or material misleading representation:
 - (A) in a license application form or renewal form; or
 - (B) in information provided to the board.
- (3) Failing to pay fees or fines required under this article.
- (4) Communicating to the public false or misleading information concerning the license held.
- (5) Failing to complete the continuing education requirements established by the board.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-7-2 Disciplinary hearings

Sec. 2. The procedures set forth in IC 4-21.5 govern the board's conduct of disciplinary hearings.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-7-3 License suspension

Sec. 3. The board may summarily suspend a license for up to ninety (90) days before a final adjudication or during an appeal of the board's determination if the board finds that the licensee represents a clear and immediate danger to the public's health, safety, or property if the licensee is allowed to install manufactured homes. The summary suspension may be

renewed, upon a hearing before the board, for up to ninety (90) days.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-7-4 Show cause order; cease and desist order

Sec. 4. (a) When the board determines that an individual not licensed under this article is engaged in or believed to be engaged in activities for which a license is required under this article, the board may issue an order to that individual requiring the individual to show cause why the individual should not be ordered to cease and desist from such activities. The show cause order must set forth a time and place for a hearing at which the affected individual may appear and show cause as to why the individual should not be subject to licensing under this article.

(b) If the board, after a hearing, determines that the activities in which the individual is engaged are subject to licensing under this article, the board may issue a cease and desist order that describes the individual and activities that are the subjects of the order.

(c) A cease and desist order issued under this section is enforceable in the circuit or superior courts.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-7-5 Criminal violations

Sec. 5. An individual who:

- (1) engages in or offers to engage in the installation of a manufactured home without being licensed or without being exempt from licensing under Indiana law;
- (2) presents as the individual's own the license of another;
- (3) intentionally gives false or materially misleading information of any kind to the board or to a board member in connection with licensing matters;
- (4) impersonates another licensee;
- (5) uses an expired, suspended, or revoked license; or
- (6) otherwise violates this article; commits a Class B misdemeanor.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-7-6 Judicial review

Sec. 6. An individual who applies for and is denied a license or a licensee who is aggrieved by an order or a determination of the board is entitled to a judicial review under IC 4-21.5.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-7-7 Board legal adviser

Sec. 7. The attorney general shall act as the legal adviser for the board and provide any legal assistance necessary to carry out this article.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-8

CHAPTER 8. INSTALLATION IN A MOBILE HOME COMMUNITY

IC 25-23.7-8-1

Application of chapter

Sec. 1. This chapter applies to the installation of a manufactured home in a mobile home community.

As added by P.L.87-2005, SEC.37.

IC 25-23.7-8-2

Necessity of license

Sec. 2. An installation described in section 1 of this chapter must be performed:

- (1) by a person licensed under this article; and
- (2) in accordance with the manufacturer's

installation instructions.

As added by P.L.87-2005, SEC.37.

IC 25-23.7-8-3

Modification of utilities

Sec. 3. Utilities and other facilities that served a mobile home or manufactured home formerly installed in a mobile home community may be modified and used for an installation.

As added by P.L.87-2005, SEC.37.

IC 25-23.7-8-4

Modified or expanded supports

Sec. 4. Supports that served a mobile home or manufactured home formerly installed in a mobile home community may be modified or expanded to use for an installation. However, upon completion of the installation, the supports must be adequate to serve the mobile home or manufactured home that is installed.

As added by P.L.87-2005, SEC.37.

IC 25-23.7-8-5

Installation location

Sec. 5. (a) An existing location within a mobile home community that is:

- (1) valid and conforming; or
- (2) valid and nonconforming;

under a local ordinance may be modified to provide adequate support and utilities for an installation described in section 1 of this chapter.

(b) A location modified under subsection (a) retains the status that the location possessed under the local ordinance before the modification.

(c) If an installation on a location described in

subsection (a) is installed in accordance with rules adopted under IC 16-41-27, the location is not considered new work or new construction.

As added by P.L.87-2005, SEC.37.

IC25-1-11

CHAPTER 11. PROFESSIONAL LICENSING STANDARDS OF PRACTICE

IC 25-1-11-1 "Board" defined

Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) State board of cosmetology examiners (IC 25-8-3-1).
- (7) State board of registration of land surveyors (IC 25-21.5-2-1).
- (8) State board of funeral and cemetery service (IC 25-15-9).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) Indiana plumbing commission (IC 25-28.5-1-3).
- (11) Indiana real estate commission (IC 25-34.1-2-1).
- (12) Real estate appraiser licensure certification board (IC 25-34.1-8).
- (13) Private detectives licensing board (IC 25-30-1-5.1).
- (14) Manufactured home installer licensing board (IC 25-23.7).
- (15) Home inspectors licensing board (IC 25-20.2-3-1).

As added by P.L.214-1993, SEC.1. Amended by P.L.2-1995, SEC.93; P.L.234-1995, SEC.5; P.L.82-2000, SEC.6; P.L.162-2002, SEC.6; P.L.145-2003, SEC.6.

IC 25-1-11-2 "Practitioner" defined

Sec. 2. As used in this chapter, "practitioner" means a person that holds:

- (1) an unlimited license, certificate, registration, or permit;
- (2) a limited or probationary license, certificate, registration, or permit;
- (3) a temporary license, certificate, registration, or permit;
- (4) an intern permit; or
- (5) an inactive license; issued by the board regulating a profession.

As added by P.L.214-1993, SEC.1. Amended by P.L.236-1995, SEC.1.

IC 25-1-11-3 "License" defined

Sec. 3. As used in this chapter, "license" includes a license, certificate, registration, or permit.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-4 "Person" defined

Sec. 4. As used in this chapter, "person" means an individual, a partnership, a corporation, or a limited liability company.

As added by P.L.214-1993, SEC.1. Amended by P.L.236-1995, SEC.2.

IC 25-1-11-5 Practitioner compliance with professional standards; findings meriting disciplinary sanctions; fraud or material deception

Sec. 5. (a) A practitioner shall comply with the standards established by the board regulating a profession. A practitioner is subject to the exercise of the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that:

(1) a practitioner has:

- (A) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;
- (B) engaged in fraud or material deception in the course of professional services or activities;
- or
- (C) advertised services or goods in a false or misleading manner;

(2) a practitioner has been convicted of a crime

that has a direct bearing on the practitioner's

ability to continue to practice competently;

(3) a practitioner has knowingly violated a state

statute or rule or federal statute or regulation

regulating the profession for which the

practitioner is licensed;

(4) a practitioner has continued to practice

although the practitioner has become unfit to

practice due to:

- (A) professional incompetence;
- (B) failure to keep abreast of current professional theory or practice;
- (C) physical or mental disability; or
- (D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;
- (5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;
- (6) a practitioner has allowed the practitioner's name or a license issued under this chapter to be

used in connection with an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;

- (7) a practitioner has had disciplinary action taken against the practitioner or the practitioner's license to practice in another state or jurisdiction on grounds similar to those under this chapter;
- (8) a practitioner has assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or
- (9) a practitioner has allowed a license issued by a board to be:

- (A) used by another person; or
- (B) displayed to the public when the license has expired, is inactive, or has been revoked or suspended.

(b) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the board may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the board. An applicant who is aggrieved by a decision of the board under this section is entitled to hearing and appeal rights under the Indiana administrative rules and procedures act (IC 4-21.5).

(c) The board may deny licensure to an applicant who has had disciplinary action taken against the applicant or the applicant's license to practice in another state or jurisdiction or who has practiced without a license in violation of the law.

(d) A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action under subsection (a)(7) or subsection (c).

As added by P.L.214-1993, SEC.1. Amended by P.L.84-1998, SEC.6; P.L.113-1999, SEC.1.

IC 25-1-11-6 Architect or landscape architect; grounds for disciplinary sanctions

Sec. 6. A practitioner registered as an architect or a landscape architect is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner has:

- (1) permitted the practitioner's seal to be affixed to plans, specifications, or drawings that were not prepared by the practitioner or under the practitioner's personal supervision by the practitioner's regularly employed subordinates; or
- (2) used the title "engineer" or advertised to practice engineering and is not registered under IC 25-31-1.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-7 Auctioneers; grounds for disciplinary sanctions

Sec. 7. A practitioner licensed to practice auctioneering is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner has failed to:

- (1) account and to make payment under IC 25-6.1-6-2; or
- (2) keep the funds of others separate from the practitioner's own private accounts.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-8 Barbers; grounds for disciplinary sanctions

Sec. 8. A practitioner registered as a barber is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner has continued to practice barbering while the practitioner has an infectious, a contagious, or a communicable disease that has been epidemiologically demonstrated to be transmitted through casual contact during the scope of practice of barbering.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-9 Engineers or land surveyors; grounds for disciplinary sanctions

Sec. 9. A practitioner registered as an engineer or a land surveyor is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner:

- (1) has permitted the practitioner's seal to be affixed to plans, specifications, or drawings not prepared by the practitioner or under the practitioner's personal supervision by the practitioner's regularly employed subordinates;
- (2) has used the title "architect" or advertised to practice architecture and is not registered under IC 25-4-1.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-9.5 Investigations; summary review of complaint against practitioner

Sec. 9.5. (a) On receipt of a complaint or an information alleging that a person licensed under this chapter has engaged in or is engaging in a practice that jeopardizes the public health, safety, or welfare, the board shall initiate an investigation against the person.

(b) Any complaint filed with the office of the attorney general alleging a violation of this chapter shall be referred to the board for summary review and for its general information and any authorized action at the time of the filing.

(c) The board shall assign one (1) or more of its members to conduct a fact finding investigation as the

board considers proper in relation to the complaint.
As added by P.L.237-1995, SEC.1.

IC 25-1-11-10 Physical and mental examination of practitioner

Sec. 10. The board may order a practitioner to submit to a reasonable physical or mental examination if the practitioner's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding.
As added by P.L.214-1993, SEC.1. Amended by P.L.178-1997, SEC.1.

IC 25-1-11-11 Refusal of physical or mental examination; summary suspension

Sec. 11. Failure to comply with a board order to submit to a physical or mental examination makes a practitioner liable to summary suspension under section 13 of this chapter.
As added by P.L.214-1993, SEC.1.

IC 25-1-11-12 Sanctions for violations

Sec. 12. (a) The board may impose any of the following sanctions, singly or in combination, if the board finds that a practitioner is subject to disciplinary sanctions under sections 5 through 9 of this chapter:

- (1) Permanently revoke a practitioner's license.
- (2) Suspend a practitioner's license.
- (3) Censure a practitioner.
- (4) Issue a letter of reprimand.
- (5) Place a practitioner on probation status and require the practitioner to:
 - (A) report regularly to the board upon the matters that are the basis of probation;
 - (B) limit practice to those areas prescribed by the board;
 - (C) continue or renew professional education approved by the board until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or
 - (D) perform or refrain from performing any acts, including community restitution or service without compensation, that the board considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.
- (6) Assess a civil penalty against the practitioner for not more than one thousand dollars (\$1,000) for each violation listed in sections 5 through 9 of this chapter except for a finding of incompetency due to a physical or mental disability.

(b) When imposing a civil penalty under subsection (a)(6), the board shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the board, the board may suspend the practitioner's license

without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.

(c) The board may withdraw or modify the probation under subsection (a)(5) if the board finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.
As added by P.L.214-1993, SEC.1. Amended by P.L.32-2000, SEC.12.

IC 25-1-11-13 Summary suspension of practitioners

Sec. 13. The board may summarily suspend a practitioner's license for ninety (90) days before a final adjudication or during the appeals process if the board finds that a practitioner represents a clear and immediate danger to the public's health, safety, or property if the practitioner is allowed to continue to practice. The summary suspension may be renewed upon a hearing before the board, and each renewal may be for not more than ninety (90) days.
As added by P.L.214-1993, SEC.1. Amended by P.L.178-1997, SEC.2.

IC 25-1-11-14 Reinstatement of suspended license

Sec. 14. The board may reinstate a license that has been suspended under this chapter if, after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill, safety, and competency to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under this chapter.
As added by P.L.214-1993, SEC.1. Amended by P.L.178-1997, SEC.3.

IC 25-1-11-15 Reinstatement of revoked license

Sec. 15. The board may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.
As added by P.L.214-1993, SEC.1.

IC 25-1-11-16 Consistency of sanctions

Sec. 16. The board shall seek to achieve consistency in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the board's findings or orders.
As added by P.L.214-1993, SEC.1.

IC 25-1-11-17 Surrender of practitioner license

Sec. 17. A practitioner may petition the board to accept the surrender of the practitioner's license instead of having a hearing before the board. The practitioner may not surrender the practitioner's license without the

written approval of the board, and the board may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.
As added by P.L.214-1993, SEC.1.

IC 25-1-11-18 Costs; practitioners subjected to sanctions

Sec. 18. A practitioner who has been subjected to disciplinary sanctions may be required by a board to pay the costs of the proceeding. The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not be imposed solely upon the practitioner's inability to pay the amount assessed. These costs are limited to costs for the following:

- (1) Court reporters.
- (2) Transcripts.
- (3) Certification of documents.
- (4) Photo duplication.
- (5) Witness attendance and mileage fees.
- (6) Postage.
- (7) Expert witnesses.
- (8) Depositions.
- (9) Notarizations.

As added by P.L.214-1993, SEC.1.

879 IAC

TITLE 879 MANUFACTURED HOME INSTALLER LICENSING BOARD

ARTICLE 1. GENERAL PROVISIONS

Rule 1. Definitions

879 IAC 1-1-1 Applicability

Authority: IC 25-23.7-3-8

Affected: IC 25-23.7

Sec. 1. The definitions in this rule apply throughout this article.

(Manufactured Home Installer Licensing Board; 879 IAC 1-1-1)

879 IAC 1-1-2 "Board" defined

Authority: IC 25-23.7-3-8

Affected: IC 25-23.7-3-1

Sec. 2. "Board" means the manufactured home installer licensing board established by IC 25-23.7-3-1. *(Manufactured Home Installer Licensing Board; 879 IAC 1-1-2)*

879 IAC 1-1-3 "Installation" or "install" defined

Authority: IC 25-23.7-3-8

Affected: IC 25-23.7

Sec. 3. "Installation" or "install" means the following:

- (1) The construction, whether temporary or permanent, of a structural support system for a manufactured home.
- (2) The placement or erection of a manufactured home or manufactured home components on a structural support system.
- (3) Supporting, blocking, leveling, securing, anchoring, or adjusting any structural component of a manufactured home.
- (4) The connection of multiple or expandable sections or components of a manufactured home.

(Manufactured Home Installer Licensing Board; 879 IAC 1-1-3)

879 IAC 1-1-4 "Installer" defined

Authority: IC 25-23.7-3-8

Affected: IC 25-23.7

Sec. 4. "Installer" means an individual who contracts to install or installs a manufactured home.
(Manufactured Home Installer Licensing Board; 879 IAC 1-1-4)

879 IAC 1-1-5 "Licensee" defined

Authority: IC 25-23.7-3-8

Affected: IC 25-23.7

Sec. 5. "Licensee" means an individual who installs manufactured homes and is licensed under this article. *(Manufactured Home Installer Licensing Board; 879 IAC 1-1-5)*

879 IAC 1-1-6 "Manufactured home" defined

Authority: IC 25-23.7-3-8

Affected: IC 22-12-1-14; IC 25-23.7

Sec. 6. "Manufactured home" means a structure, transportable in one (1) or more sections, that:

- (1) in the traveling mode, is:
 - (A) eight (8) body feet or more in width; or
 - (B) forty (40) body feet or more in length; or
- (2) when erected on site, is:
 - (A) three hundred twenty (320) or more square feet; and
 - (B) built on a permanent chassis and designed to be used as a dwelling with or without a permanent

foundation when connected to the required utilities;
and includes the plumbing, heating, and electrical systems contained therein. The term does not include industrialized building systems as defined in IC 22-12-1-14. (*Manufactured Home Installer Licensing Board; 879 IAC 1-1-6*)

Rule 2. Minimum Standards of Competent Practice

879 IAC 1-2-1 Manufactured home installers

Authority: IC 25-23.7-3-8
Affected: IC 25-23.7

Sec. 1. (a) A manufactured home installer's license entitles its holder to install manufactured homes on a contract or subcontract basis for manufacturers, dealers, or home purchasers. All work must be in compliance with all applicable federal and state statutes, regulations, and standards. Work authorized by the manufactured home installer's license is limited to the following:

- (1) Site preparation.
- (2) Physical placement of the manufactured home on the site.
- (3) Physical connection of sections and structural and nonstructural, and mechanical components of the manufactured home.
- (4) Installation of the following:
 - (A) Foundation system.
 - (B) Piers.
 - (C) Blocking work.
 - (D) Ground anchors.
 - (E) Tiedown straps.
 - (F) Leveling.
 - (G) Vapor barriers.
 - (H) Prefabricated steps.

(b) Electric, water, sewer, and gas utilities must not be connected until the manufactured home is properly blocked and leveled.

(c) Installation will not be considered complete until all systems are functioning. (*Manufactured Home Installer Licensing Board; 879 IAC 1-2-1*)

879 IAC 1-2-2 Manufactured home installation requirements

Authority: IC 25-23.7-3-8
Affected: IC 25-23.7

Sec. 2. Manufactured home installers shall do manufactured home installation in compliance with the following:

- (1) 410 IAC 6-6, mobile home park sanitation and safety, as adopted by the Indiana state department of health.
- (2) 675 IAC 14, Indiana residential code, as adopted by the fire prevention and building safety commission.

(*Manufactured Home Installer Licensing Board; 879 IAC 1-2-2*)

879 IAC 1-2-3 Advertising

Authority: IC 25-23.7-3-8
Affected: IC 25-23.7

Sec. 3. Advertising by a manufactured home installer shall not misrepresent facts. (*Manufactured Home Installer Licensing Board; 879 IAC 1-2-3*)

Rule 3. Code of Ethics

879 IAC 1-3-1 Code of ethics

Authority: IC 25-23.7-3-8
Affected: IC 25-23.7

Sec. 1. (a) This rule establishes requirements concerning ethical principles and unprofessional conduct in the practice of installation of manufactured homes.

(b) The ethics to be observed by licensed manufactured home installers shall be as follows:

- (1) Maintain a high standard of professional ethics.
- (2) Maintain a position of truth and integrity in dealing with customers and the public.
- (3) Maintain a policy of civic responsibility and cooperation in the community.
- (4) Maintain an attitude of constant cooperation with an interest in local, state, and federal laws.
- (5) Maintain a policy of prompt and efficient service of all legitimate complaints.
- (6) Maintain a policy of complete compliance with all existing laws and regulations governing the business operation.
- (7) Maintain a program of constant improvement of the products and the business interests.
- (8) Maintain the present and promote the future welfare and best interests of the citizens of Indiana.

(*Manufactured Home Installer Licensing Board; 879 IAC 1-3-1*)

Rule 4. Fees and Licensing Requirements

879 IAC 1-4-1 Fees

Authority: IC 25-1-8-2; IC 25-23.7-3-8

Affected: IC 25-23.7

Sec. 1. The board shall charge and collect the following fees, which shall all be nonrefundable and nontransferable:

- (1) For review of an application for licensure and issuance of a license as a manufactured home installer, one hundred fifty dollars (\$150).
- (2) For the quadrennial renewal of the license to practice as a manufactured home installer, fifty dollars (\$50) payable before December 31 of every fourth year.
- (3) For renewal of an expired license to practice as a manufactured home installer, fifty dollars (\$50), plus the unpaid renewal.
- (4) For a duplicate or replacement wall certificate, twenty-five dollars (\$25).
- (5) For a replacement pocket card to practice as a manufactured home installer, ten dollars (\$10).
- (6) For verification of licensure to another state or jurisdiction, ten dollars (\$10).

(*Manufactured Home Installer Licensing Board; 879 IAC 1-4-1*)

879 IAC 1-4-2 Licensing educational requirements; hours of classroom instruction

Authority: IC 25-23.7-3-8

Affected: IC 25-1-11; IC 25-23.7

Sec. 2. (a) A manufactured home installer course shall consist of at least eight (8) hours of classroom instruction in the following:

- (1) A minimum of two (2) hours in Indiana law in the following subject areas:
 - (A) IC 25-23.7, Indiana manufactured home installer's act.

- (B) IC 25-1-11, professional licensing standards of practice.
- (C) 675 IAC 14, Indiana residential code, as adopted by the fire prevention and building safety commission.
- (D) 410 IAC 6-6, mobile home park sanitation and safety, as adopted by the Indiana state department of health.
- (E) Applicable federal and Indiana statutes, rules, and regulations governing manufactured home installation.

(2) A minimum of one-half (½) hour in professional ethics.

(3) A minimum of two (2) hours in installation manual in the following subject areas:

- (A) Manufacturer's installation manuals and requirements.
- (B) Preparation of manufactured housing sites.
- (C) Installation of foundation systems.

(4) A minimum of two (2) hours in safety in the following subject areas:

- (A) Blocking, perimeter support, and leveling of manufactured homes.
- (B) Structural connections of sections and major components.
- (C) Installation of anchoring systems and components.
- (D) Installation of vapor barriers, curtain walls, access, and ventilation for crawlspace areas.

(5) A minimum of one-half (½) hour in utility connections between sections in the following subject areas:

- (A) Electrical connections between sections.
- (B) Plumbing connections between sections.

- (C) Mechanical equipment connections between sections.
- (D) Gas equipment and appliance connections within the home.
- (E) Connections of vents, ducts, carpet, and other nonstructural components.

The educational topics listed are minimums for each topic. Additional classroom time, over and above those listed above, shall be detailed within the educational outline information and is to be in areas relating to the installation of manufactured homes.

(b) One (1) hour of licensing education must contain sixty (60) minutes of actual instruction.

(c) All attendance shall be in the same course.

(d) A makeup class must be:

- (1) completed during a regular class session; and
- (2) sponsored by the provider in which the student was enrolled.

(Manufactured Home Installer Licensing Board; 879 IAC1-4-2)

Rule 5. Insurance and Surety Bond

879 IAC 1-5-1 Insurance and surety bond

Authority: IC 25-23.7-3-8

Affected: IC 25-23.7-5

Sec. 1. (a) In addition to meeting the requirements in IC 25-23.7-5 and 879 IAC 1-4, at the time of making application, an applicant for a manufactured home installer license must submit either of the following:

- (1) Proof of insurance issued by an insurance company authorized to transact business in Indiana showing that the applicant, either directly or through the applicant's employer, is covered by a policy of general liability insurance with products/completed operations coverage in the minimum amount of one hundred thousand dollars (\$100,000) per occurrence, one million dollars (\$1,000,000) aggregate.
- (2) Post with the board a surety bond that:

- (A) names the applicant as the principal;
- (B) obligates the surety in the amount of one

hundred thousand dollars (\$100,000) to the board in favor of the state;

- (C) requires the principal, if granted a license, to install manufactured homes in conformance with the manufacturer's installation manual and to observe all applicable federal, state, and local statutes and regulations; and

- (D) authorizes the board to declare the bond in default and to levy against the surety and the principal under the bond for the payment of actual damages to any person who is harmed as a result of the principal's violation of the requirements described in clause (C).

(b) The applicant shall immediately notify the board of any change in, or termination of, the insurance coverage or surety bond coverage submitted with the application and provide the board with evidence of substitute coverage. Upon a licensee's failure to comply with this section, the license of the licensee shall be suspended. A license suspended under this subsection may not be reinstated until the applicant has provided proper proof of insurance to the board. *(Manufactured Home Installer Licensing Board; 879 IAC 1-5-1)*

Rule 6. Licensing Education and Continuing Education Course Providers; General Requirements

879 IAC 1-6-1 Application for licensing education and continuing education course provider approval; content

Authority: IC 25-23.7-3-8

Affected: IC 25-23.7

Sec. 1. (a) Any manufactured home installer licensing education or continuing education course provider seeking approval as a course provider shall:

- (1) make written application for approval, on a form provided by the board; and
- (2) submit such documents, statements, and forms as:

- (A) required by the board; and
 - (B) may be reasonably necessary to establish whether the course complies with the requirements of this article.
- (b) The application shall include the following:

- (1) The name and address of the licensing education or continuing education course provider.
- (2) A list of each course offered.
- (3) The name, address, and telephone number of the contact person for the licensing education or continuing education course provider.

(c) To receive approval of a course, licensing education or continuing education course provider applicants must submit the following:

- (1) A course content outline meeting the requirements of:
 - (A) 879 IAC 1-4-2 for licensing education requirements; or
 - (B) 879 IAC 1-8-3 for continuing education requirements;

describing each subject to be offered during the approval period.

(2) A clearly expressed course objective.

(3) The name and professional biography of the instructors that shows that the instructors possess special skills or knowledge of the subject being presented and have at least one (1) of the following minimum qualifications:

- (A) An instructor of manufactured home installation teaching at:
 - (i) an accredited institution of higher education in the United States; or
 - (ii) a comparable school of a foreign country.

(B) Have a college degree related to the material that the person is to teach.

(C) Five (5) years full-time experience in a profession, trade, or technical

- occupation related to the material being taught.
- (4) The number of hours of licensing education or continuing education to be granted for each course.
- (5) A sample course:
 - (A) evaluation form; and
 - (B) completion certificate.

(Manufactured Home Installer Licensing Board; 879 IAC 1-6-1)

879 IAC 1-6-2 Certifications of completion

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-23.7

Sec. 2. Licensing education or continuing education course providers shall provide the student who successfully completes an approved licensing education or continuing education course a certification of course completion that must include the following information:

- (1) The name, telephone number, and address of the licensing education or continuing education provider.
- (2) The name and the Indiana license number, if applicable, of the participant.
- (3) The title of the course, date of course, and number of hours completed.

(Manufactured Home Installer Licensing Board; 879 IAC 1-6-2)

879 IAC 1-6-3 Course records

Authority: IC 25-23.7-3-8

Affected: IC 25-23.7

Sec. 3. Each approved licensing education or continuing education course provider must maintain records of students who successfully complete the course of study for a minimum of seven (7) years. The records must include the following:

- (1) Attendance records.
- (2) Course material evaluations.
- (3) Instructor and course evaluations.
- (4) Duplicate copies of completion certificates or the ability to reproduce duplicate completion certificates.

(Manufactured Home Installer Licensing Board; 879 IAC 1-6-3)

879 IAC 1-6-4 Course and instructor evaluations

Authority: IC 25-23.7-3-8

Affected: IC 25-23.7

Sec. 4. (a) Each manufactured home installer licensing education course or continuing education course shall have a written course evaluation consisting of questions to appropriately evaluate the overall course.

(b) Licensing education or continuing education course providers are required to survey their students at the end of each course. The survey shall include information regarding the following:

- (1) The quality of instruction.
- (2) The appropriateness of materials.
- (3) Other information that will properly evaluate the course.

(c) Evaluations must be made available for inspection by the board upon request. (*Manufactured Home Installer Licensing Board; 879 IAC 1-6-4*)

879 IAC 1-6-5 Facilities

Authority: IC 25-23.7-3-8

Affected: IC 25-23.7

Sec. 5. (a) The premises, equipment, and facilities of the approved licensing education or continuing education course provider shall comply with all local, city, county, and state regulations, such as fire, building, and sanitation codes. The premises must also accommodate Americans with disabilities.

(b) Licensing education or continuing education courses shall be taught in a facility with adequate space, seating, equipment, and instructional material to accommodate the number of students enrolled.

(c) Approved licensing education or continuing education course providers shall prohibit the serving or obtaining of alcoholic beverages in the classroom and any other area that the student would have access to during the time class is in session, including breaks, such as the restroom and hallways.

(d) Subsection (c) shall not be interpreted to prohibit the use of facilities, such as hotels, motels, and convention centers, where alcoholic beverages are sold in separate rooms. (*Manufactured Home Installer Licensing Board; 879 IAC 1-6-5*)

879 IAC 1-6-6 Student fees; cancellation of course sessions

Authority: IC 25-23.7-3-8

Affected: IC 25-23.7

Sec. 6. (a) The cost of textbooks, supplemental texts, and required materials shall be included in the course fee. Disclosure of the full cost of the course, including tuition, books, and required materials, must be made to the student before enrollment.

(b) Each approved licensing education or continuing education course provider shall establish a refund policy, which is included in all printed material related to the offering of the course. The refund policy shall be available for review and acceptance by the student at the time of enrollment. (*Manufactured Home Installer Licensing Board; 879 IAC 1-6-6*)

879 IAC 1-6-7 Advertising

Authority: IC 25-23.7-3-8

Affected: IC 25-23.7

Sec. 7. No licensing education or continuing education course provider conducting a course of study shall advertise or make any reference in its advertising, promotional material, brochures, and/or registration forms that it is:

- (1) endorsed by;
- (2) recommended by;
- (3) accredited by; or
- (4) affiliated with;

the board. However, the licensing education or continuing education course provider may state that the course being presented has been approved by the board. (*Manufactured Home Installer Licensing Board; 879 IAC 1-6-7*)

879 IAC 1-6-8 Licensing education and continuing education course provider prohibitions

Authority: IC 25-23.7-3-8

Affected: IC 25-23.7

Sec. 8. Licensing education or continuing education course providers are prohibited from the following:

- (1) Giving materially inaccurate or misleading information in an application for licensing education or continuing education course provider approval or an annual report.
- (2) Deliberately falsifying or misrepresenting any information supplied to the board or the public.
- (3) Having substantially failed to comply with the provisions of any contract or agreement entered into with a student.
- (4) Failing to allow the board or its designee to inspect the licensing education or continuing education course or its records or failing to make available such information as required by this article.
- (5) Violating IC 25-23.7 or this title.

- (6) Failing to notify the board within thirty (30) days of the termination of its relationship with an instructor.

(Manufactured Home Installer Licensing Board; 879 IAC 1-6-8)

879 IAC 1-6-9 Instructors prohibitions

Authority: IC 25-23.7-3-8

Affected: IC 25-23.7

Sec. 9. (a) An approved manufactured home installer licensing education or continuing education course provider is prohibited from hiring, or retaining in its employ, an instructor who has:

- (1) had a manufactured home installer license revoked or suspended by any state or federal manufactured home installer licensing agency;
- (2) been convicted of a crime that has a direct bearing on the individual's ability to competently instruct, including, but not necessarily limited to, violations of manufactured home installer laws and abuse of fiduciary responsibilities; or
- (3) falsely certified hours of attendance for any student.

(b) Any instructor whose professional license or certification is under sanction by any state or federal manufactured home installer licensing agency may not instruct in an approved licensing education or continuing education program while the disciplinary sanction is in effect. *(Manufactured Home Installer Licensing Board; 879 IAC 1-6-9)*

879 IAC 1-6-10 Notification of changes

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-23.7

Sec. 10. All approved licensing education or continuing education course providers shall advise the board within thirty (30) days after any significant changes in their operation. Significant changes include, but are not limited to, the following:

- (1) Going out of business.
- (2) A change in the address or phone number of the licensing education or continuing education course provider.
- (3) A change in the name, address, or telephone number of the contact person.
- (4) Adding a new instructor.
- (5) Changes in course outline.
- (6) Any course addition or deletion.

(Manufactured Home Installer Licensing Board; 879 IAC 1-6-10)

879 IAC 1-6-11 Review and investigation of approved licensing education or continuing education course providers

Authority: IC 25-23.7-3-8

Affected: IC 25-1-11; IC 25-23.7

Sec. 11. (a) An approved licensing education or continuing education course provider may be asked to:

- (1) provide specific information;
- (2) answer questions; or
- (3) appear before the board or its designee;

for the purpose of determining compliance with this article.

(b) The board or its designee may, at any time, review or investigate, or both, any matter concerning any course or applicant for licensing education or continuing education course provider approval to determine compliance with this article.

(c) The method of review shall be determined by the board in each case and will generally consist of the following:

- (1) Consideration of information available from applicable:
 - (A) federal, state, or local agencies;
 - (B) private organizations or agencies; or
 - (C) interested persons.

(2) Conferences with:

- (A) the licensing education or continuing education course provider director and other representatives of the licensing education or continuing education course provider involved; or
- (B) former students of the licensing education or continuing education course provider.

(d) The board may require a background check on the licensing education or continuing education provider's personnel, including a criminal history check. *(Manufactured Home Installer Licensing Board; 879 IAC 1-6-11)*

879 IAC 1-6-12 Discipline for noncompliance

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-1-11; IC 25-23.7

Sec. 11. Licensing education or continuing education course providers who are found not to be in compliance with this rule are subject to being disciplined under IC 25-1-11. (*Manufactured Home Installer Licensing Board; 879 IAC 1-6-12*)

Rule 7. Renewal

879 IAC 1-7-1 Renewal of a manufactured home installer license

Authority: IC 25-23.7-3-8

Affected: IC 25-23.7

Sec. 1. (a) A manufactured home installer license issued under this article shall expire January 1 of every fourth year.

(b) To renew a license, an individual must do the following:

- (1) Pay the fee required by 879 IAC 1-4-1.
- (2) Complete an application for renewal on a form provided by the board.
- (3) Satisfactorily complete the continuing education required by 879 IAC 1-8.
- (4) Submit a certification or proof of continuation of the insurance coverage or surety bond required by 879 IAC 1-5.
- (5) Sign a statement under penalty of perjury that:
 - (A) the hours submitted are correct;
 - (B) the licensee attended and completed the courses taken; and
 - (C) to the best of the licensee's knowledge, the courses completed meet the requirements of 879 IAC 1-8.

(*Manufactured Home Installer Licensing Board; 879 IAC 1-7-1*)

879 IAC 1-7-2 Renewal of licensing education or continuing education course providers

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-23.7

Sec. 2. Licensing education or continuing education course provider approval will expire on December 31 of every year. To obtain renewal of the licensing education or continuing education course provider approval, the provider must submit a letter to

the board requesting such renewal by October 31. This letter must detail any changes made in the:

- (1) course topics;
- (2) materials;
- (3) instructors; or
- (4) other information required by 879 IAC 1-6.

(*Manufactured Home Installer Licensing Board; 879 IAC 1-7-2*)

Rule 8. Continuing Education

879 IAC 1-8-1 Continuing education requirements

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-23.7

Sec. 1. (a) Manufactured home installers must complete twelve (12) hours of continuing education in order to qualify for renewal of an active license.

(b) The number of continuing education hours that a licensee must obtain for the renewal period at the time of issuance of a new license shall be established by section 11 of this rule. (*Manufactured Home Installer Licensing Board; 879 IAC 1-8-1*)

879 IAC 1-8-2 Courses from approved continuing education providers

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-23.7

Sec. 2. Hours of continuing education will be granted to manufactured home installers who have successfully completed courses offered by manufactured home installer continuing education course providers approved under 879 IAC 1-6. (*Manufactured Home Installer Licensing Board; 879 IAC 1-8-2*)

879 IAC 1-8-3 Continuing education topics

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-1-11; IC 25-23.7

Sec. 3. (a) To qualify for renewal, a manufactured home installer must complete twelve (12) hours of continuing education in any of the following topics:

- (1) IC 25-23.7, Indiana manufactured home installer licensing act.
- (2) IC 25-1-11, professional licensing standards of practice.
- (3) 879 IAC 1-2, competent practice of manufactured home installation.
- (4) 879 IAC 1-3, code of ethics.

- (5) 675 IAC 14, Indiana residential code, as adopted by the fire prevention and building safety commission.
- (6) 410 IAC 6-6, mobile home park sanitation and safety, as adopted by the Indiana state department of health.
- (7) Applicable federal and Indiana statutes, rules, and regulations governing manufactured home installation.
- (8) Manufacturer's installation manuals and requirements.
- (9) Preparation of manufactured housing sites.
- (10) Installation of foundation systems.
- (11) Blocking, perimeter support, and leveling of manufactured homes.
- (12) Structural connections of section and major components.
- (13) Installation of anchoring systems and components.
- (14) Installation of vapor barriers, curtain walls, access, and ventilation for crawlspace areas.
- (15) Electrical connections between sections.
- (16) Plumbing connections between sections.
- (17) Mechanical equipment connections between sections.
- (18) Gas equipment and appliance connections within the home.
- (19) Connections of vents, ducts, carpet, and other nonstructural components.

(b) The twelve (12) hours of continuing education must include the following:

- (1) Professional ethics.
- (2) Indiana statutes, rules, and regulations governing manufactured home installers.

(Manufactured Home Installer Licensing Board; 879 IAC 1-8-3)

879 IAC 1-8-4 Continuing education credit not given

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-23.7

Sec. 4. Continuing education credit will not be given for any of the following:

- (1) Any education obtained prior to licensure.

- (2) Approved licensing education courses under 879 IAC 1-4-2.
- (3) Courses taken for a second or subsequent time during a renewal period.
- (4) Courses or seminars not completed. Partial credit may not be given.
- (5) Courses not completed due to dismissal by the continuing education provider for disruption of the course, such as the following:
 - (A) Reading newspapers.
 - (B) Talking on mobile telephones.
 - (C) Anything other than paying attention during the course.
- (6) Meetings of the manufactured home installer licensing board.
- (7) Training conducted during eating periods.
- (8) Motivational classes or seminars.
- (9) Business, social, or other noneducational meetings of professional groups or subgroups.

(Manufactured Home Installer Licensing Board; 879 IAC 1-8-4)

879 IAC 1-8-5 Retention of certificates of completion

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-23.7

Sec. 5. Manufactured home installers shall retain course completion certificates for not less than five (5) years from the date of the course.
(Manufactured Home Installer Licensing Board; 879 IAC 1-8-5)

879 IAC 1-8-6 Continuing education hours

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-23.7

Sec. 6. (a) Hours of continuing education earned in one (1) renewal period may not be used in a subsequent renewal period.

(b) Any continuing education credit accumulated above the minimum requirement for a four (4) year licensure period may not be carried forward to the next four (4) year licensure period.
(Manufactured Home Installer Licensing Board; 879 IAC 1-8-6)

879 IAC 1-8-7 Credit for instructors**Authority:** IC 25-23.7-3-8; IC 25-23.7-6-5**Affected:** IC 25-23.7

Sec. 7. A continuing education instructor shall be entitled to continuing education credit for courses the instructor teaches. However, an instructor may not:

- (1) be credited for more than four (4) hours of credit for instructing in any four (4) year licensure period; or
- (2) receive credit for repeated courses.

(*Manufactured Home Installer Licensing Board; 879 IAC 1-8-7*)

879 IAC 1-8-8 Inactive status**Authority:** IC 25-23.7-3-8; IC 25-23.7-6-5**Affected:** IC 25-23.7

Sec. 8. Manufactured home installers may apply to the board to renew their licenses in an inactive status. No continuing education is required to renew inactive. An inactive manufactured home installer may not practice manufactured home installation while in inactive status. (*Manufactured Home Installer Licensing Board; 879 IAC 1-8-8*)

879 IAC 1-8-9 Reactivation of an inactive license**Authority:** IC 25-23.7-3-8; IC 25-23.7-6-5**Affected:** IC 25-23.7

Sec. 9. (a) To reactivate an inactive license, a manufactured home installer must apply to the board for the reactivation on the application form supplied by the board.

(b) Manufactured home installers who have been inactive at the date the reactivation application is filed must submit proof of completion of twelve (12) hours of continuing education within the four (4) year period immediately before the date the reactivation application is filed.

(c) Continuing education hours obtained by a licensee to reactivate an inactive license cannot be double counted by also using them for credit in the renewal period in progress. The continuing education requirements for the renewal period in progress are stated in section 11 of this rule. (*Manufactured Home Installer Licensing Board; 879 IAC 1-8-9*)

879 IAC 1-8-10 Reinstatement of an expired or lapsed license**Authority:** IC 25-23.7-3-8; IC 25-23.7-6-5**Affected:** IC 25-23.7

Sec. 10. (a) An individual whose license has expired or lapsed and wishes to reenter the practice of manufactured home installation must file an application to renew the expired or lapsed license. The application shall be accompanied by the following:

- (1) The payment of the fee required to renew the quadrennial license specified in 879 IAC 1-4-1.
- (2) Evidence of completion of the twelve (12) hours of continuing education hours prior to filing the application.

(b) The continuing education hours required under subdivision (a)(2) must:

- (1) have been obtained no earlier than four (4) years prior to the date the application for reentry is filed; and
- (2) meet the requirements established in this rule.

(c) Continuing education obtained by a licensee to renew an expired or lapsed license under this section cannot be double counted by also using them for credit in the renewal period in progress. The continuing education requirements for the renewal period in progress at the time of reinstatement are stated in section 11 of this rule. (*Manufactured Home Installer Licensing Board; 879 IAC 1-8-10*)

879 IAC 1-8-11 Continuing education required after reactivation or reinstatement**Authority:** IC 25-23.7-3-8; IC 25-23.7-6-5**Affected:** IC 25-23.7

Sec. 11. The following table establishes the number of continuing education hours that a licensee must obtain for the four (4) year licensure period in progress at the time of the issuance, reactivation, or reinstatement of a license under sections 1, 9, and 10 of this rule:

Date of Issuance of License	Hours Required to Renew
January 1– June 30 of the first year	12
July 1– December 31 of the first year	10
January 1– June 30 of the second year	8
July 1 – December 31 of the second year	6
January 1 – June 30 of the third year	4
July 1 – December 31 of the third year	2

January 1 – June 30 of the fourth year 2

July 1 – December 31 of the fourth year 0

(Manufactured Home Installer Licensing Board; 879 IAC 1-8-11)

879 IAC 1-8-12 Waiver of continuing education

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-23.7

Sec. 12. (a) Manufactured home installers who are unable to meet the continuing education requirements because they:

- (1) serve in the armed forces of the United States;
- (2) have an incapacitating illness or injury that prevented either part-time or full-time employment; or
- (3) reside outside of the United States of America;

may petition the board, in writing, to have a reduction or waiver of the continuing education requirements.

(b) Manufactured home installers who receive a reduction in the continuing education hours under subsection (a) must make up those hours in the next licensure period. Those hours will be in addition to the hours otherwise required for the next licensure period. *(Manufactured Home Installer Licensing Board; 879 IAC 1-8-12)*

879 IAC 1-8-13 Audit of continuing education compliance

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-1-11; IC 25-23.7

Sec. 13. (a) The board may conduct audits of manufactured home installers and providers for continuing education compliance. For any purpose of this section, the board may designate a board member or staff member to act on behalf of or in the name of the board.

(b) If, as a result of an audit or other review, the board determines that hours of continuing education a manufactured home installer has claimed do not meet the requirements of IC 25-23.7-6-5 and this article, the board shall notify the manufactured home installer of that determination.

(c) A manufactured home installer, who has been notified under subsection (b), may, within thirty (30) days, submit information to the board giving all the substantive reasons in support of the manufactured home installer's position that an adequate number of hours of continuing education have been completed.

(d) A manufactured home installer who submits false information shall be subject to the sanctions provided for under IC 25-1-11.

(e) Manufactured home installers who are found not to be in compliance will be subject to discipline under IC 25-1-11. *(Manufactured Home Installer Licensing Board; 879 IAC 1-8-13)*

Rule 9. Distance Learning Continuing Education

879 IAC 1-9-1 "Distance education" defined

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-23.7

Sec. 1. (a) As used in this rule, "distance education" means a course in which instruction does not take place in a traditional classroom setting but rather through other media where the educator and student are separated by distance and sometimes by time.

(b) Methods of distance learning education include, but are not limited to, the following:

- (1) Education by correspondence.
- (2) Video instruction.
- (3) Internet education.

(c) "Provider" means an individual or company that creates and delivers continuing education by distance learning methods. *(Manufactured Home Installer Licensing Board; 879 IAC 1-9-1)*

879 IAC 1-9-2 Distance education courses and providers

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-23.7

Sec. 2. (a) The board must approve continuing education courses offered by a distance learning method and the provider of the distance learning method.

(b) A licensee must complete the distance education course within one (1) year of the date of enrollment.

(c) Course subjects allowed under 879 IAC 1-8-3 may be taken through distance learning. However, a maximum of fifty percent (50%) (six (6)) of continuing education courses will be credited toward the twelve (12) hour requirement.

(d) The board must approve a distance education course if the board determines to its satisfaction the following:

- (1) The distance education course serves to protect the public by contributing to the maintenance and improvement of the quality of the services provided by the

manufactured home installer continuing education provider to the public.

(2) An appropriate and complete application has been filed and approved by the board.

(3) The distance education course meets the content requirements as prescribed in 879 IAC 1-8-3.

(4) The distance education course or courses meets all other requirements as prescribed in the statutes and rules that govern the operation of approved courses.

(Manufactured Home Installer Licensing Board; 879 IAC 1-9-2)

879 IAC 1-9-3 Approval of distance education course and provider

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-23.7

Sec. 3. In order for a distance education course to be approved for credit, the continuing education course provider shall submit the following information:

(1) For course design, the following:

(A) A plan for submitting substantial changes in the course to the board. Substantial changes include, but are not limited to, the following:

(i) Expanded or reduced course content.

(ii) Changes in the time allotments for portions of the course.

(iii) Changes or redirect learning objectives.

(iv) A change of instructor.

(v) Changes in the course delivery method.

(B) A course may provide a test, and the participant must score at least seventy-five percent (75%) to pass and receive credit for the class. Tests may have any combination of multiple choice, true or false, fill-in,

or essay questions with at least twenty (20) questions per two (2) hours of instruction. If a test is not used, an alternate method of timing the licensee's participation must be provided to verify completion of the course.

(2) For course delivery, the following:

(A) The names and qualifications for each continuing education provider and instructor of the course offered by distance learning methods and submit their credentials, including any specific training for teaching via the specified delivery method as well as a plan for their continued professional development.

(B) An identity affirmation statement is required. The licensee is required to sign the statement before any certificate of completion for distance learning is issued.

(C) A plan for sufficient security to:

(i) ensure against fraudulent practices;

(ii) protect the licensee's identification information; and

(iii) verify that the student enrolled in the course is the one who completes the course and any required tests.

(3) For licensee support services, information about the course, if applicable, including the following:

(A) Broadcasts and distance site locations.

(B) Faculty contact information.

(C) Course outline and learning objectives.

(D) Testing and grading information.

(E) Guidelines regarding what constitutes successful completion of the course.

(F) Homework assignments and deadlines.

(G) Fees and refunds.

(H) Prerequisites for the course.

(I) A list of required student materials.

(J) A list of other support services made available to the students.

(4) For evaluation and assessment, an evaluation form, which solicits licensee feedback on the following:

(A) The delivery approach.

(B) The equipment.

(C) Suggestions for class improvement.

(D) Their overall satisfaction with the course.

It is required that every licensee in a distance education course be provided an evaluation form at the conclusion of the course.

(Manufactured Home Installer Licensing Board; 879 IAC 1-9-3)